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SUBJECT: ASAD SHOPPING AROUND FOR LEGAL COUNSEL?

Classified By: Charge d'Affaires Stephen A. Seche, per 1.4 b,d.

¶1. (C) Summary: Samir al-Taki, a long-standing Embassy contact, told Polchief November 20 that on behalf of the SARG he had engaged the services of two British experts in international law. Syrian President Bashar al-Assad had agreed to this approach in a meeting with al-Taki. SMI chief Asif Shawkat has also brought in legal experts from Europe and Egypt, but they were too left-wing and anti-UN to be useful, reported al-Taki. Shawkat is isolated, without support among the Alawite power brokers and is likely to be sacrificed eventually, although Asad is still going through the motions to protect him. Polling that al-Taki has done at a small research center undercuts to some extent the post-Asad-speech view that ordinary Syrians identify with the regime and are ready to support confrontation with the U.S. and the international community. End Summary.

¶2. (C) FIRST OF ALL, HIRE THE LAWYERS: Dr. Samir al-Taki, an informal MFA advisor, told Polchief November 20 that he had traveled to London, Berlin, and Oslo in the past three weeks shopping for legal counsel specialized in international law who can help Syria extricate itself from its current predicament. The goal is to comply with UNSCR 1636 but to assure the best deal for Syria, said al-Taki. He settled on two British legal experts with international reputations, Ian Brownlee and Mary Williams-Worth. The latter had already traveled to Syria and prepared a written report, which she had presented orally to the Syrian judicial commission investigating the Hariri assassination. Al-Taki indicated that President Asad has seen a written version of the report.

¶3. (C) Brownlee is scheduled to visit Syria in the next day or two. He has been engaged by the SARG and will be paid 750 pounds sterling an hour for his advice. Al-Taki said that both lawyers had agreed with his assessment that while Resolution 1636 imposed tough, arguably unfair conditions, Syria had absolutely no choice but to comply. Al-Taki said he had seen President Asad for about 45 minutes in between two trips to Europe and obtained his consent to engage Brownlee and proceed with the legal approach. MFA legal advisor Riyad Daoudi also supported this approach, said al-Taki.

¶4. (C) MAKING THE REGIME PAY THE PRICE: Al-Taki at one point said, "I want the Americans to know what I am doing" (to obtain counsel). His goal, he said is to ensure Syrian compliance and to extricate Syria from the current confrontation in a way that puts the price to be paid "on the regime, and not on the shoulders of my children." Al-Taki was ambiguous about whether or not he thought President Asad would survive the current crisis, but hinted that he hoped Asad would survive to serve as a transitional figure for Syria's political future.

¶5. (C) SHAWKAT'S LEFTIST LAWYERS: According to al-Taki, SMI chief Asif Shawkat has also shopped around for lawyers and had flown in experts in international law from France, Portugal, and Egypt, but "they were all left-wingers, only interested in talking about how unfair 1636 was, how Mehlis had exceeded the terms of the resolution, and how the UNSC had exceeded its mandate in passing it," said al-Taki in dismissing their usefulness. An Egyptian legal expert, Salah Ammar, from a law faculty in Cairo, is still in Damascus, he added. Al-Taki expressed mild disappointment that his friend, DFM Walid Mu'allim seems to have drifted into Shawkat's orbit of influence, hinting that Mu'allim's views had become more hard-line than al-Taki's. He attributed it to Mu'allim's lingering nervousness about references to him in the Mehlis report.

¶6. (C) SAVING SHAWKAT: A BRIDGE TOO FAR?: Asad is focused on "saving his brother, Maher" said al-Taki. Asad seems to believe he has a deal with Mehlis to spare his brother, al-Taki added. Asad would like to save Shawkat if he could, and is doing what is possible to achieve that objective, too, but al-Taki hinted that there is some recognition by Asad that this might not be possible.

¶7. (C) ALAWITE POWER BROKERS READY TO SACRIFICE SHAWKAT?: The Alawite confessional "wants compromise" in order to obtain SARG compliance with Resolution 1636 and to save the regime. For this reason, Shawkat is in a very difficult situation, said al-Taki. He does not have the support of the

confessional, so he is not in a position to fight back. According to al-Taki, Shawkat may provoke a fight with the President, "but he can't win." Hinting that what Asad may be aiming for is an honorable surrender, al-Taki pitched the idea of a "sliding handover," with Ghazaleh and several others handed over initially, without delivery of Shawkat. Even that would have a powerful, destabilizing impact on the regime, as it is likely that the men would be treated as criminal suspects, with such powerful optics beamed back to Syria, eroding the legitimacy of the regime. When asked if such erosion might not be gradual, al-Taki sharply disagreed.

"It will be immediate," he countered. Subsequently he noted that the regime's "revolutionary (Ba'athist) legitimacy" would end as soon as the first trial of one of the Syrian suspects began, and that Syria would need to go to free and fair elections for a new government to obtain the legitimacy to govern.

18. (C) POLLING ON 1636 AND CONFRONTATION WITH U.S.:

Al-Taki, who also heads a small research and polling center operating under the informal auspices of the MFA and unidentified security services, described for Polchief recent findings on UNSCR 1636 and on Asad's speech. He noted that the center had polled some 4,000 Syrians all over the country and had obtained fairly reliable results. Polled initially before Asad delivered his November 10 speech, a clear majority were satisfied with the Resolution, and "happy" that it seemed to be targeted at the regime and not at the Syrian people. The poll had also found a clear majority for the proposition that Syria needed to avoid a confrontation with the U.S. and the international community. With regard to subsequent polling on Asad's speech, al-Taki described a majority who assented to the proposition that they did not understand why it was necessary to shelve political and economic reform in the current crisis. (Note: Al-Taki promised to turn over the complete polling results to Polchief at a later date.)

19. (C) ASAD STILL TOYING WITH DEFIANCE? Interestingly, al-Taki offered a second-hand description of a conversation between Asad and MFA legal advisor Daoudi about the post-UNSCR 1636 polling on confrontation (as recounted by Daoudi subsequently). (Note: The conversation presumably took place before the Asad speech.) Asad took issue with "Samir's question," saying it had been badly worded. While he agreed that Syrians in the abstract do not want confrontation, "Samir did not specify military or economic confrontation," Asad is reported to have said. In Asad's view, however, Syrians "would accept economic confrontation," i.e., sanctions, reported al-Taki. Al-Taki acknowledged that this gave an indication that Asad was still giving consideration to the idea of defying the international community and absorbing sanctions.

10. (C) A STUPID SPEECH: Regarding Asad's speech, al-Taki described it as "stupid," designed for domestic consumption, and given at a time when the President was under stress. Al-Taki at one point also muttered that the President was "stupid" to have delivered such a speech, indicating that all the attention given to the domestic audience would not change the international predicament in which Syria found itself.

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